

MAY 28 2024

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

Eric Christopher Orr

Plaintiff,

COMPLAINT

vs.

Case No. 1:24-cv-160-MR

David Cathron

Derek Price

Kevin Freeman

Scott Tapp

Alexis Conner

Melissa Becker

Lindy Hynes

Defendant(s).

A. JURISDICTION

Jurisdiction is proper in this court according to:

☒ 42 U.S.C. §1983

☐ 42 U.S.C. §1985

☐ Other (Please specify) _____

B. PARTIES

1. Name of Plaintiff:

Address:

Eric Christopher Orr

Marion, NC PO Box 506

Marion, NC 28554

2. Name of Defendant:

Address:

David Cathron

Marion, NC

355 Old Glenwood Rd

Is employed as Programs Assistant
(Position/Title)

at NCOPS
(Organization)

Superintendent

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐, if "YES" briefly explain:

Defendant was abusing his position given to him
by the state

3. Name of Defendant: Derek Price
Address: Merion CI

355 Old Glenwood Rd
Merion, NC 28752

Is employed as Unit Manager at NC DPS
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐, if "YES" briefly explain:

Defendant was abusing his position given to him
by the state.

4. Name of Defendant: Kevin Freeman
Address: Merion CI

355 Old Glenwood Rd.
Merion, NC 28752

Is employed as Unit Manager at NC DPS
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐, if "YES" briefly explain:

Defendant was abusing his position given to him by the
state.

(Use additional sheets if necessary.)

C. NATURE OF CASE

Why are you bringing this case to court? Please explain the circumstances that led to the problem.

On Aug 3, 2021 I was referred to RHP
at Tabor CI for excessive write ups for 2
A infractions. One dated 7-5-21, and the

5.) Name of Defendant Scint Tapp

Address Merion CI
355 Old Glenwood Rd.
Merion, NC 28752

Is employed as Unit Manager at NCOPS
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ No ☐ if "YES" briefly explain

Defendant was abusing his position given to him by the state

6.) Name of Defendant Alexis Connor

Address Merion CI
355 Old Glenwood Rd.
Merion, NC 28752

Is employed as Unit Manager at NCOPS
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐ if "YES" briefly explain

Defendant was abusing her position given to her by the state

7.) Name of Defendant: Melissa Becker

Address

Merion CI

355 Old Glenwood Rd

Merion, NC 28752

Is employed as Case Manager at NC DPS
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐ if "YES" briefly explain

Defendant was abusing her position given to her by the state

8.) Name of Defendant: Cindy Haynes

Merion CI

355 Old Glenwood Rd.

Merion, NC 28752

Is employed as Program Supervisor at NC DPS
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐ if "YES" briefly explain

Defendant was abusing her position given to her by the state

NATURE OF CASE

other dated 7-6-21. On Aug 11, 2021. I saw the FCC board to have this reviewed. I explained to them that the write ups were not true. They agreed with the recommendation. On Aug 26, 2021 I saw the DEC board. At that time I spoke with them, and explained to them that the write ups were not true as well. They verified that I would be let off RHC, and return to population as long as one of the infractions was dismissed, because it wouldn't be excessive write ups. They noticed the appeal in process, but still agreed with the icon placement for 180 days. On 9-2-21 the write up dated 7-6-21 was sent back from Raleigh to be reinvestigated. My rights were violated, because they didn't speak to a staff member that I requested to be a witness on my behalf. On 9-16-21 I was pulled for the RDV, and shipped to Marion CI. I saw the DHO at Marion CI on 9-29-21. The witness spoke on my behalf, and the write up was dismissed. I submitted a grievance on 10-5-21 pertaining to the situation. The grievance was accepted on 10-11-21 by Mr. Derek Price the Unit Manager. Mr. Price responded on 10-26-21, and denied me my rights and privileges. Mr. David Cothron the Assistant Superintendent over Programs at the time responded on 11-16-21, and denied me my rights and privileges as well. As I remained in the RDV against my will until 6-20-23. The RDV is discrimination and not a rehabilitating program. I submitted grievances pertaining to a serious infraction, when I got into a altercation in 2017. The infraction is suppose to clear the system in 5 years. The infraction has to get a override to get Medium Custody. In 2019 they changed the Policy to 7 years, but it didn't apply to me. I was placed back in Close Custody with the infraction still showing. Their advertising it as general population, but it's being ran like a Segregation Unit. From 9-16-21 to 9-12-22 I was in chains and shackles. Being escorted back and fourth from the shower and to the cell. I was being escorted by 5 times in

that period. In chains or shackles, and being shackled to a table. By the time I came out of chains and shackles. I really was suppose to be finishing up. But I still had to remain on a 23/1. Just not in chains and shackles with limited phone access. An incentive for a hour when ever it was my tiers turn.

CAUSE OF ACTION 14th Admendment

Price and Mr. Cethron was made aware of the issue. But didn't try to correct it, and it was clear to see that I didn't fit the criters for the RDU. A review of Mr. Price's response on the grievance that Mr. Cethron agreed with. Stating that my assignment to RHCP qualified me for the RDU. Which shows the denial of my rights and privileges. To have a hearing and to be placed back into general population. Because what I had been assigned to RHCP for that qualified me for RDU was dismissed on 8-29-21.

8 Admendment

because of the discrimination, and the COVID break outs in the RDU housing. My blood pressure had to be monitored closely for almost a year. I was placed on blood pressure medication that increased. Because my numbers keep increasing, because of the amount of recreation that I was allowed to get. While I was being housed at this program for extra time. Where it was overcrowded with no budgepace in a unhealthy environment. On a 23/1 hour lockdown, and I fit the criters for Medium Custody. Which the staff refused to correct when it was brought to their attention.

D. CAUSE OF ACTION

I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

- a. (1) Count 1: 14th Amendment Due Process & Equal Treatment
(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)

I submitted a grievance about this matter
on 10-9-21. The grievance was accepted on
10-11-21 by Mr. Price the Unit Manager. Mr.

- b. (1) Count 2: 8th Amendment Cruel and Unusual Punishment
(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)

I was forced to be in a 13 month program
really a control status. Which turned into
21 months, and 75 % of it was 23/1 lockdowns

E. INJURY

How have you been injured by the actions of the defendant(s)?

Constitutional Injury 14th Amendment deprivation
of rights and 8th Hazardous and unhealthful
conditions False Imprisonment Punitive Damages

F. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action? YES _____ NO ✓

If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

1. Parties to previous lawsuits:

Plaintiff(s): N/A

Defendants(s): _____

2. Name of court and case or docket number:

N/A

3. Disposition (for example, was the case dismissed? Was it appealed? Is it still pending?)

N/A

4. Issues raised:

N/A

5. When did you file the lawsuit?

N/A
Date: Month/Year

6. When was it (will it be) decided?

N/A

Have you previously sought informal or form relief from the appropriate administrative officials regarding the acts complained of in Part D? YES ✓ NO _____

If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

Threw a Grievance, no action taken on the issues

G. REQUEST FOR RELIEF

I believe I am entitled to the following relief: \$100,000 in
Punitive Damages, legal fees and other
relief the court deems just and equitable

JURY TRIAL REQUESTED

YES



NO

Signed at

Maury, CI

on

5-20-24

(Location)

(Date)

Signature

Address:

Maury, CI PO Box 506
Maury, NC 28554

Phone:


E-Mail:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed/ delivered to the following individuals at the addresses listed:

Clerk of Courts US District Court-Western
District of NC 401 W. Trade Street Charlotte
NC 28202

This the 20th day of May, 20 24.



Signature

Eric C. Orr

(Print Name)